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**STATE OF IOWA**

# **Senate Journal**

**WEDNESDAY, MARCH 22, 2017**

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Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE SENATE

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SEVENTY-THIRD CALENDAR DAY  
FORTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 22, 2017

The Senate met in regular session at 9:04 a.m., President Whitver presiding.

Prayer was offered by The Most Reverend Richard Pates, Bishop of the Diocese of Des Moines. He was the guest of Senators Dawson and Schneider.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Wylie Halferty.

The Journal of Tuesday, March 21, 2017, was approved.

## SPECIAL GUESTS

Senator Sinclair introduced to the Senate chamber the Honorable Nancy J. Boettger, former member of the Senate from Shelby County, Harlan, Iowa.

The Senate rose and expressed its welcome.

Senator Sinclair introduced to the Senate chamber the Honorable Nancy Dunkel, former member of the House from Dubuque County, Dyersville, Iowa.

The Senate rose and expressed its welcome.

## RECESS

On motion of Senator Dix, the Senate recessed at 9:13 a.m. until the completion of a meeting of the subcommittee on Transportation, Infrastructure, and Capitals.

## RECONVENED

The Senate reconvened at 4:51 p.m., President Whitver presiding.

The Senate stood at ease at 4:52 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:19 p.m., President Whitver presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shipley, until he arrives, on request of Senator Dix.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration Senate Files 361 and 234.

[Senate File 361](#)

On motion of Senator Sinclair, [Senate File 361](#), a bill for an act relating to the temporary delegation of parental authority by the parent, guardian, or legal custodian of a child, was taken up for consideration.

Senator Sinclair moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 361](#)), the vote was:

Yeas, 47:

Allen	Costello	Horn	Ragan
Anderson	Danielson	Jochum	Rozenboom
Behn	Dawson	Johnson, C.	Schneider
Bertrand	Dix	Johnson, D.	Schultz
Bisignano	Dotzler	Kapucian	Segebart
Bolkcom	Dvorsky	Kinney	Sinclair
Boulton	Edler	Kraayenbrink	Smith

Bowman	Feenstra	Lofgren	Taylor
Breitbach	Garrett	Lykam	Whitver
Brown	Greene	Mathis	Zaun
Chapman	Guth	Petersen	Zumbach
Chelgren	Hart	Quirmbach	

Nays, 2:

Hogg	McCoy
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Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [Senate File 234](#)

On motion of Senator Breitbach, [Senate File 234](#), a bill for an act relating to the use of electronic communication devices to write, send, or read text messages while driving as a primary offense, was taken up for consideration.

Senator Breitbach offered amendment [S-3222](#), filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-3222](#) was adopted by a voice vote.

Senator Breitbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 234](#)), the vote was:

Yeas, 43:

Allen	Danielson	Horn	Petersen
Anderson	Dawson	Jochum	Quirmbach
Bertrand	Dix	Johnson, C.	Ragan
Bisignano	Dotzler	Johnson, D.	Rozenboom
Bolkcom	Dvorsky	Kapucian	Schneider
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Sinclair
Breitbach	Garrett	Lofgren	Smith

Brown	Greene	Lykam	Whitver
Chelgren	Hart	Mathis	Zumbach
Costello	Hogg	McCoy	

Nays, 6:

Behn	Guth	Taylor
Chapman	Schultz	Zaun

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **Senate Files 234** and **361** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration Senate Files 51, 220, and 359.

#### [Senate File 51](#)

On motion of Senator Chapman, [Senate File 51](#), a bill for an act relating to a cytomegalovirus public health initiative and the testing of newborns for congenital cytomegalovirus, with report of committee recommending passage, was taken up for consideration.

Senator Chapman offered amendment [S-3226](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3226](#) was adopted by a voice vote.

Senator Chapman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 51](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Rozenboom
Anderson	Dawson	Johnson, C.	Schneider
Behn	Dix	Johnson, D.	Schultz
Bertrand	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [Senate File 220](#)

On motion of Senator Zaun, [Senate File 220](#), a bill for an act prohibiting the use of automated or remote systems for traffic law enforcement, requiring removal of existing systems, and including effective date provisions, was taken up for consideration.

Senator Zumbach offered amendment [S-3225](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Chelgren offered amendment [S-3227](#), filed by him from the floor to pages 6 and 8 of amendment [S-3225](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3227](#) to amendment [S-3225](#) be adopted?” ([S.F. 220](#)), the vote was:

Yeas, 16:

Behn	Edler	Johnson, C.	Segebart
Breitbach	Feenstra	Quirnbach	Sinclair
Chapman	Garrett	Schneider	Whitver
Chelgren	Guth	Schultz	Zaun

Nays, 33:

Allen	Danielson	Jochum	Petersen
Anderson	Dawson	Johnson, D.	Ragan
Bertrand	Dix	Kapucian	Rozenboom
Bisignano	Dotzler	Kinney	Smith
Bolkcom	Dvorsky	Kraayenbrink	Taylor
Boulton	Greene	Lofgren	Zumbach
Bowman	Hart	Lykam	
Brown	Hogg	Mathis	
Costello	Horn	McCoy	

Absent, 1:

Shipley

Amendment [S-3227](#) to amendment [S-3225](#) lost.

Senator Zumbach moved the adoption of amendment [S-3225](#).

A record roll call was requested.

On the question “Shall amendment [S-3225](#) be adopted?” ([S.F. 220](#)), the vote was:

Yeas, 27:

Allen	Breitbach	Hogg	Mathis
Anderson	Brown	Jochum	McCoy
Bertrand	Danielson	Kapucian	Petersen
Bisignano	Dawson	Kinney	Ragan
Bolkcom	Dvorsky	Kraayenbrink	Rozenboom
Boulton	Greene	Lofgren	Zumbach
Bowman	Hart	Lykam	

Nays, 22:

Behn	Edler	Johnson, D.	Smith
Chapman	Feenstra	Quirmbach	Taylor
Chelgren	Garrett	Schneider	Whitver
Costello	Guth	Schultz	Zaun
Dix	Horn	Segebart	
Dotzler	Johnson, C.	Sinclair	

Absent, 1:

Shipley

Amendment [S-3225](#) was adopted.

With the adoption of amendment [S-3225](#), the Chair ruled amendment [S-3224](#), filed by Senator Kapucian from the floor to page 1 and amending the title page of the bill, out of order.

Senator Zaun moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 220](#)), the vote was:

Yeas, 31:

Allen	Costello	Hogg	Quirmbach
Behn	Danielson	Jochum	Ragan
Bisignano	Dawson	Kapucian	Rozenboom
Bolkcom	Dix	Kinney	Schneider
Boulton	Dotzler	Lofgren	Smith
Bowman	Dvorsky	Lykam	Whitver
Breitbach	Garrett	Mathis	Zumbach
Brown	Hart	Petersen	

Nays, 18:

Anderson	Feenstra	Johnson, D.	Sinclair
Bertrand	Greene	Kraayenbrink	Taylor
Chapman	Guth	McCoy	Zaun
Chelgren	Horn	Schultz	
Edler	Johnson, C.	Segebart	

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.



### Senate File 359

On motion of Senator Chapman, [Senate File 359](#), a bill for an act prohibiting certain actions regarding fetal body parts and providing penalties, was taken up for consideration.

Senator Chapman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 359](#)), the vote was:

Yeas, 43:

Allen	Costello	Horn	Ragan
Anderson	Danielson	Jochum	Rozenboom
Behn	Dawson	Johnson, C.	Schneider
Bertrand	Dix	Johnson, D.	Schultz
Bisignano	Edler	Kapucian	Segebart
Boulton	Feenstra	Kinney	Sinclair
Bowman	Garrett	Kraayenbrink	Smith
Breitbach	Greene	Lofgren	Whitver
Brown	Guth	Lykam	Zaun
Chapman	Hart	Mathis	Zumbach
Chelgren	Hogg	Quirmbach	

Nays, 6:

Bolkcom	Dvorsky	Petersen
Dotzler	McCoy	Taylor

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **Senate Files 51, 220, and 359** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 7:59 p.m. until 9:00 a.m., Thursday, March 23, 2017.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### ECONOMIC DEVELOPMENT AUTHORITY

Industrial New Jobs Training Program Review, pursuant to Iowa Code section 260E.7. Report received on March 22, 2017.

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** Wednesday, March 22, 2017, 2:10 p.m.

**Members Present:** Sinclair, Chair; Edler, Vice Chair; Quirmbach, Ranking Member; Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, C. Johnson, Kraayenbrink, Lofgren, Mathis, and Rozenboom.

**Members Absent:** None.

**Committee Business:** State Board of Regents.

**Adjourned:** 3:00 p.m.

#### HUMAN RESOURCES

**Convened:** Wednesday, March 22, 2017, 1:05 p.m.

**Members Present:** Segebart, Chair; Costello, Vice Chair; Mathis, Ranking Member; Bolkcom, Chapman, Chelgren, Garrett, Greene, Jochum, C. Johnson, Quirmbach, and Ragan.

**Members Absent:** Shipley (excused).

**Committee Business:** Approved HFs 232 and 306. Presentation on Precision Medicine.

**Adjourned:** 2:00 p.m.

#### JUDICIARY

**Convened:** Wednesday, March 22, 2017, 10:05 a.m.

**Members Present:** Zaun, Chair; Dawson, Vice Chair; Taylor, Ranking Member; Bisignano, Boulton, Edler, Garrett, Kinney, Schneider, Schultz, and Sinclair.

**Members Absent:** Petersen and Shipley (both excused).

**Committee Business:** Approved [HF 371](#). Presentation by Stephanie Fawkes-Lee and Marty Ryan.

**Adjourned:** 10:50 a.m.

#### LOCAL GOVERNMENT

**Convened:** Wednesday, March 22, 2017, 11:05 a.m.

**Members Present:** Garrett, Chair; Lofgren, Vice Chair; Allen, Ranking Member; Chelgren, Dvorsky, Greene, Guth, Kraayenbrink, McCoy, Quirmbach, and Segebart.

**Members Absent:** None.

**Committee Business:** Approved [HF 485](#). Confirmation of Janine Sulzner, David Farmer, Stewart Iverson, and Patricia Wright.

**Adjourned:** 11:20 a.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Tuesday, March 21, 2017, 1:00 p.m.

**Recessed:** 1:05 p.m.

**Reconvened:** 1:15 p.m.

**Members Present:** Rozenboom, Chair; Dvorsky, Ranking Member; Anderson, Behn, Bertrand, Breitbach, Greene, Hart, D. Johnson, Kapucian, Kinney, and Lykam.

**Members Absent:** Shipley, Vice Chair (excused).

**Committee Business:** Approved [HF 475](#).

**Adjourned:** 1:20 p.m.

#### STATE GOVERNMENT

**Convened:** Wednesday, March 22, 2017, 11:10 a.m.

**Members Present:** Smith, Chair; Chapman, Vice Chair; Bisignano, Ranking Member; Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun.

**Members Absent:** None.

**Committee Business:** Approved [SF 408](#) and [HF 295](#).

**Adjourned:** 12:00 p.m.

**TRANSPORTATION**

**Convened:** Wednesday, March 22, 2017, 1:05 p.m.

**Members Present:** Kapucian, Chair; Breitbach, Vice Chair; Bowman, Ranking Member; Anderson, Bertrand, Bisignano, Brown, Danielson, Horn, Kraayenbrink, Lykam, Smith, and Zumbach.

**Members Absent:** None.

**Committee Business:** Approved HF 313, 314, and 464. Confirmation of Tom Rielly and Nancy Maher.

**Adjourned:** 1:30 p.m.

**VETERANS AFFAIRS**

**Convened:** Wednesday, March 22, 2017, 3:10 p.m.

**Members Present:** Costello, Chair; Horn, Ranking Member; Allen, Bowman, Dawson, Edler, Lofgren, Ragan, and Segebart.

**Members Absent:** Rozenboom, Vice Chair; and Bertrand (both excused).

**Committee Business:** Approved [HF 241](#).

**Adjourned:** 3:15 p.m.

**INTRODUCTION OF BILL**

[Senate File 495](#), by committee on Ways and Means, a bill for an act eliminating a requirement that taxpayers indicate on their tax returns the presence or absence of health care coverage for their dependent children and apply for certain public health care coverage, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**SUBCOMMITTEE ASSIGNMENTS**

[Senate File 490](#)

APPROPRIATIONS: Kraayenbrink, Chair; Chelgren and Danielson

[House File 89](#)

STATE GOVERNMENT: Schneider, Chair; Bisignano and Brown

[House File 576](#)

HUMAN RESOURCES: Garrett, Chair; Chapman and Mathis

## FINAL COMMITTEE REPORTS OF BILL ACTION

### HUMAN RESOURCES

**Bill Title:** [HOUSE FILE 232](#), a bill for an act relating to pronouncements of death by registered nurses and physician assistants.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Segebart, Mathis, Bolkcom, Chapman, Garrett, Greene, Jochum, C. Johnson, Quirmbach, and Ragan. Nays, none. Absent, 3: Costello, Chelgren, and Shipley.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** [HOUSE FILE 306](#), a bill for an act relating to the requirements for nurse aide training and testing programs.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Segebart, Mathis, Bolkcom, Chapman, Garrett, Greene, Jochum, C. Johnson, Quirmbach, and Ragan. Nays, none. Absent, 3: Costello, Chelgren, and Shipley.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### JUDICIARY

**Bill Title:** [HOUSE FILE 371](#), a bill for an act relating to attorney fees and court costs in an action to quiet title after a request for a quitclaim deed.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Schneider, Schultz, and Sinclair. Nays, none. Absent, 2: Petersen and Shipley.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### LOCAL GOVERNMENT

**Bill Title:** [HOUSE FILE 485](#), a bill for an act allowing city council members to serve a city's volunteer fire department without compensation in any position or capacity.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Garrett, Lofgren, Allen, Chelgren, Dvorsky, Greene, Guth, Kraayenbrink, McCoy, Quirmbach, and Segebart. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Bill Title:** [SENATE FILE 408 \(SSB 1122\)](#), a bill for an act requiring licensure rather than registration of architects practicing in this state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Smith, Chapman, Bisignano, Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 295 \(SSB 1122\)](#), bill for an act prohibiting counties and cities from establishing certain regulations relating to employment matters and the sale or marketing of consumer merchandise, providing for properly related matters, and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Smith, Chapman, Anderson, Brown, Dawson, Feenstra, Schneider, Schultz, and Zaun. Nays, 6: Bisignano, Bowman, Danielson, Horn, Jochum, and Petersen. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**TRANSPORTATION**

**Bill Title:** [HOUSE FILE 313](#), a bill for an act requiring the removal of motor vehicles involved in certain accidents from the roadway, and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kapucian, Breitbach, Bowman, Anderson, Bertrand, Bisignano, Brown, Danielson, Horn, Kraayenbrink, Lykam, Smith, and Zumbach. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 314](#), a bill for an act relating to the definition of utility maintenance vehicle.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kapucian, Breitbach, Bowman, Anderson, Bertrand, Bisignano, Brown, Danielson, Horn, Kraayenbrink, Lykam, Smith, and Zumbach. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 464](#), a bill for an act relating to the crossing of highways by all-terrain vehicles and off-road utility vehicles, and making a penalty applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kapucian, Breitbach, Bowman, Anderson, Bertrand, Bisignano, Brown, Danielson, Horn, Kraayenbrink, Lykam, Smith, and Zumbach. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**VETERANS AFFAIRS**

**Bill Title:** [HOUSE FILE 241](#), a bill for an act concerning the administration of the duties of the county commissions of veteran affairs.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Costello, Horn, Allen, Bowman, Dawson, Edler, Lofgren, Ragan, and Segebart. Nays, none. Absent, 2: Rozenboom and Bertrand.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Bill Title:** [SENATE FILE 495 \(SSB 1025\)](#), a bill for an act eliminating a requirement that taxpayers indicate on their tax returns the presence or absence of health care coverage for their dependent children and apply for certain public health care coverage, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Feenstra, Behn, Anderson, Breitbach, Brown, Dawson, Edler, Schultz, and Smith. Nays, 6: Jochum, Bolkcom, Dotzler, McCoy, Petersen, and Quirmbach. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**BILL ATTACHED**

[House File 548](#), previously passed on file, was attached to **similar Senate File 457**.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### LOCAL GOVERNMENT

David Farmer – County Finance Committee  
Janine Sulzner – County Finance Committee  
Patricia Wright – County Finance Committee

Stewart Iverson – Chair of the Property Assessment Appeal Board

Stewart Iverson – Property Assessment Appeal Board

### TRANSPORTATION

Nancy Maher – State Transportation Commission  
Tom Rielly – State Transportation Commission

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 22, 2017, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 331](#) – Relating to energy efficiency reporting requirements applicable to certain gas and electric utilities.

## AMENDMENTS FILED

<a href="#"><u>S-3222</u></a>	<a href="#"><u>S.F. 234</u></a>	Michael Breitbach
<a href="#"><u>S-3223</u></a>	<a href="#"><u>S.F. 457</u></a>	Mark Segebart
<a href="#"><u>S-3224</u></a>	<a href="#"><u>S.F. 220</u></a>	Tim L. Kapucian
<a href="#"><u>S-3225</u></a>	<a href="#"><u>S.F. 220</u></a>	Dan Zumbach
<a href="#"><u>S-3226</u></a>	<a href="#"><u>S.F. 51</u></a>	Jake Chapman
<a href="#"><u>S-3227</u></a>	<a href="#"><u>S.F. 220</u></a>	Mark Chelgren